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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,703	10/15/2003	Satoshi Miyazaki	008312-0306311	3645
909	7590	09/24/2007		EXAMINER
PILLSBURY WINTHROP SHAW PITTMAN, LLP				ZHONG, JUN FEI
Eric S. Cherry - Docketing Supervisor			ART UNIT	PAPER NUMBER
P.O. BOX 10500				2623
MCLEAN, VA 22102				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/684,703	MIYAZAKI, SATOSHI
	Examiner Jun Fei Zhong	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 06/28/2004 and 04/21/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 recites the limitation "the program signal demodulator circuit". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5-6, 9-11, 14-15, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefanik (Patent # US 6750801 B2).

As to claim 1, Hashimoto discloses a broadcast receiving apparatus which has a function controlled by a received code signal (Fig. 3), comprising:

a code signal output device (e.g., remote control unit 1) which detects its own motion, and outputs a control signal which responds to the detected motion as a code signal (see col. 14, lines 5-42);

a code signal function setting portion (e.g., CPU 125) which sets a function for controlling the broadcast receiving apparatus in response to the code signal (see col. 15, lines 25-55);

a control portion (e.g., control processor 24) which receives the code signal according to the motion of the code signal output device (e.g., receiving remote control signal from receiver 26), the signal being outputted from the code signal output device, and carries out control based on the function set at the code signal function setting portion in response to the reception (see col. 14, lines 44-60; col. 15, lines 45-50).

As to claim 15, it contains the limitations of claim 1 and is analyzed as previously discussed with respect to claim 1 above.

As to claim 9, Hashimoto discloses a code signal output device (e.g., remote control unit 1; Fig. 1 and 4) comprising:

a motion detecting portion which detects its own motion and outputs a motion signal (e.g., remote control unit 1 detects its horizontal and vertical angular speed) (see col. 15, lines 25-44);

a code signal converting portion which converts the motion signal outputted by the motion detecting portion into a code signal (e.g., operation unit 124 converts signal from detector 2 and 3 to digital) (see col. 15, lines 25-44);

a code signal output portion which externally outputs the code signal converted by the code signal converting portion (e.g. transmitter 12 transmitting signal to controlled unit) (see col. 15, lines 38-44).

As to claim 6, Hashimoto discloses a broadcast receiving apparatus according to claim 1, wherein the control portion receives the code signal corresponding to motions in the vertical direction and horizontal direction of the main body of the code signal output device (e.g., remote control unit 1 detects its horizontal and vertical angular speed transmitting from transmitter 12 to receiver 26) (see col. 15, lines 25-50; Fig. 1, 3, and 4).

As to claims 5, 10-11, and 19, they contain the limitations of claim 6 and are analyzed as previously discussed with respect to claim 6 above.

As to claim 14, Hashimoto discloses a code signal output device according to claim 9, wherein the motion detecting portion comprises a gyro sensor which, when the motion detecting portion detects a motion direction and a motion speed of the code signal output device itself, outputs the motion signal (see col. 14, lines 15-29).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 2-4 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Bayrakeri et al. (Patent # US 6904610 B1).

As to claim 2, Hashimoto discloses a broadcast receiving apparatus (e.g., TV 21), code signal output device (e.g., remote control unit 1) (see Fig. 4).

Hashimoto fails to disclose program information acquiring portion and the control portion having received the code signal to change a date and a time of the program information.

Bayrakeri discloses a program information acquiring portion (e.g., controller 270; Fig. 2) which externally acquires program information (e.g., program guide) according to a date and a time (e.g., IPG display; Fig. 3A), wherein the control portion having received the code signal provides control so as to change a date and a time of the

program information outputted by the program information acquiring portion by setting the code signal function setting portion (e.g., using arrow up/down via a remote control to change the time slot of a IPG) (see col. 10, lines 19-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide program guide as taught by Bayrakeri to the remote control system of Hashimoto because the custom-IPG allows each viewer to create an IPG based on the viewer's preference, and is highly desirable in providing an enjoyable viewer experience. With the custom-IPG, search time for the desired programs can be reduced, the likelihood of not finding the desired programs among the clutter of programs and channels can be minimized, viewer satisfaction may be enhanced (see col. 2, lines 20-28)

As to claim 3, Hashimoto discloses a broadcast receiving apparatus according to claim 2, wherein, when the control portion has received a code signal corresponding to a motion equal to or greater than a threshold value of a main body of the code signal output device from the program information acquiring portion (e.g., the moving speed of remote control mush over a predetermined threshold to active the circuit) (see col. 25, lines 17-29),

Bayrakeri discloses the control portion changes date/time of the program information, when the control portion has received the code signal (e.g., using the up/down arrow to change time slot or date on IPG) (see col. 10, lines 30-32; col. 11, lines 41-45).

As to claim 4, Bayrakeri discloses wherein the control portion having received the code signal provides control so as to change at least one of the date and time of the program information contained in the program signal demodulator circuit (e.g., using the up/down arrow to change time slot or date on IPG), a channel of the broadcast signal, a volume of a voice signal of the broadcast signal, a broadcast type of the broadcast signal, a media type of the broadcast signal, and an input source outputted by the broadcast receiving apparatus according to setting of the code signal function setting portion.

As to claims 16-18, they contain the limitations of claims 2-4 and are analyzed as previously discussed with respect to claims 2-4 above.

9. Claims 7, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Amemiya (Patent # US 6310607 B1).

As to claim 7, Hashimoto discloses a broadcast receiving apparatus according to claim 1, wherein the control portion receives the code signal corresponding to a motion equal to or greater than a threshold speed of the main body of the code signal output device (e.g., remote control unit compares the angular speed with predetermined threshold value to determine noise or truly movement) (see col. 25, lines 15-29; col. 32, lines 25-44).

Hashimoto fails to disclose outputting the motion equal to or smaller than the threshold speed.

Amemiya discloses send the movement information when a motion equal to or smaller than the threshold speed (see col. 6, lines 32-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send the movement information as taught by Amemiya to the remote control system of Hashimoto because the control unit sets the movement detection interval time at the predetermined value based on the detection information from the movement detector only when the mouse device is being moved, the mouse device of the present invention can also operate with low power consumption in the operation state (see col. 3, lines 13-19).

As to claims 12 and 20, they contain the limitations of claim 7 and are analyzed as previously discussed with respect to claim 7 above.

10. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Stefanik (Patent # US 6750801 B2).

As to claim 8, Hashimoto discloses a code signal output device (e.g., remote control unit 1) (see Fig. 4).

Hashimoto fails to disclose a display portion on the remote control.

Stefanik discloses a display signal generating portion which generates and outputs a display signal for displaying the control content of the control portion on a screen when the control portion receives the code signal (e.g., LED indicator 44 indicated the direction of the remote control) (see col. 4, line 65 through col. 5, line 14; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the direction indicator as taught by Stefanik to the remote control system of Hashimoto because the remote control can indicating a user the mode of operation of the device based on a signal generated by the motion detector (see col. 2, lines 15-23).

As to claim 13, it contains the limitations of claim 8 and is analyzed as previously discussed with respect to claim 8 above.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ide et al. (Patent # US 5598187) is cited to teach remote control with motion detection.

Iwamura (Patent # US 6498628 B2) is cited to teach remote control with motion detection.

Lu (Patent # US 6603420 B1) is cited to teach remote control with motion detection.

***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ  
9/13/2007



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